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Message Text

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50
ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 IO-14 AID-20 OMB-01 SNM-02 A-01 SY-10

COME-00 EB-11 LAB-06 SIL-01 DRC-01 /178 W
---------- 051390
R 211224Z NOV 73
FM AMEMBASSY BANGKOK
TO SECSTATE WASHDC 8434
INFO AMCONSUL CHIANG MAI
AMCONSUL UDORN
CINCPAC

C O N F I D E N T I A L BANGKOK 18192

E.O. 11652: GDS
TAGS: PGOV, PINT, TH
SUBJECT: THE THAI DRAFT CONSTITUTION

CINCPAC FOR POLAD

REF: BANGKOK 16643

SUMMARY; THE CONSTITUTION DRAFTING COMMITTEE IS MAKING STEADY PROGRESS TOWARD ITS THREE MONTH DEADLINE. INTERMITTENT REPORTS AND INTERVIEWS GIVE IMPRESSIONS ABOUT THE EMERGING DOCUMENT WHICH IS MODELLED ON THE 1949 CONSTITUTION. CHANGES FROM THE 1949 EDITION MAY INCLUDE AN ELECTED UPPER CHAMBER, ORE SOCIAL WELFARE COMMITMENTS, AND PROTECTION AGAINST MARTIAL LAW. LIKE THE 1949 CONSTITUTION, THIS DOCUMENT MAY COVER CONSIDERABLE MINUTIAE. THERE ARE INDICATIONS THAT PRIME MINSTER SANYA THAMMASAK WILL INVOLVE THE THANOM GOVERNMENT'S APPOINTED NATIONAL LEGISLATIVE ASSEMBLY IN THE PROMULGATION PROCESS. GENERAL KRIT SIVARA, ARMY COMMANDER IN CHIEF, GAVE US HIS CONSERVA-
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TIVE VIEW AS TO HOW HE WOULD LIKE THE NEW PARLIAMENT CONSTITUTED. END SUMMARY.

1. IN LINE WITH THE GOVERNMENT'S POLICY TO CREATE AN

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INFORMED PUBLIC, THE CONSTITUTION DRAFTING COMMITTEE, (CDC) CHAIRED BY JUSTICE MINISTER PRAKOB HUTASINGHA, HAS MADE PERIODIC PUBLIC ANNOUNCEMENT OF ITS PROGRESS. FURTHERMORE, INTERMITTENT INTERVIEWS GIVE THE PUBLIC A GENERAL IMPRESSION OF THE NEW CONSTITUTION'S PROVISIONS. PRAKOB ANNOUNCED AT HIS FIRST CDC-RELATED PRESS CONFERENCE THAT THE 1949 CONSTITUTION WAS THE BASIS OF CDC DELIBERATIONS AND THAT THE CDC WOULD MEET THREE TIMES A WEEK IN ORDER TO MAKE ITS THREE MONTH DEADLINE.

2. THE 1949 CONSTITUTION WAS DRAFTED TO CORRECT SPECIFIC ABUSES AND ESTABLISH GUIDELINES FOR GENERAL POLICIES. IT THUS HAD MORE SECTIONS(188) THAN ANY OF THE OTHER SEVEN CONSTITUTIONS. (COMMENT: THE 1968 CONSTITUTION, WHICH WAS SIMILAR TO THE 1949 DOCUMENT, HAD 183 SECTIONS.) EVERY INDICATION IS THAT THE APPROACHING CONSTITUTION WILL ALSO INCORPORATE SPECIFIC DEFENSES AGAINST PAST ABUSES, AND GO INTO CONSIDERABLE DETAILE TO ENUMERATE SOCIAL GOALS IN ORDER TO NUDGE THE NEW GOVERNMENT ALONG WHAT THE CDC CONSIDERS THE PROPER POLITICAL PATHWAYS. A SECTION GUARANTEEING PRESS FREEDOMS AND OUTLINING THE DUTIES OF THE FOURTH ESTATE APPARENTLY WILL BE ADDED. OTHER NEW SECTIONS REPORTEDLY ENSURE THE RIGHT TO LEGAL COUNSEL BEFORE POLICE INTERROGATION, RESTRICT THE USE OF MARTIAL LAW, AND PROHIBIT CABINET MEMBERS FROM ASSUMING POSTS IN COMMERCIAL FIRMS. DRAFTERS KUKRIT PRAMOTE AND PONGPEN SAKULTAPAI DESCRIBE THE NEW CONSTITUTION AS SUPPORTING "SEMI-SOCIALISM." THE GOVERNMENT WILL REPORTEDLY BE GIVEN A MANDATE TO EMBARK ON LAND REFORM, GUARANTEE EDUCATION FOR THE POOR, AND STRENGTHEN POWERS TO FIX A MINIMUM WAGE.

3. GENERAL PRINCIPLES UPON WHICH THE NEW CONSTITUTION APPARENTLY WIL BE BASED INCLUDE A FULLY ELECTED BICAMERAL LEGISLATURE, PROTECTIONS AGAINST MULTIPLE POLITICAL PARTIES, AND DISTINCT SEPARATION OF POWERS CONFIDENTIAL

BETWEEN EXECUTIVE, LEGISLATIVE, AND JUDICIAL. DRAFTER CHAIANAND SAMUTAVANICH IS QUOTED IN "THE NATION" OF NOVEMBER 20 AS SAYING THAT THE CDC AGREED ON AN ELECTED BICAMERAL SYSTEM IN WHICH DIFFERENT ACADEMIC QUALIFICATIONS ARE REQUIRED OF THE PARLIAMENTARIANS. IF THIS IS TRUE, THEN WE CAN EXPECT THAT THE NEW UPPER HOUSE WILL HAVE MORE POWERS THAN THE APPOINTED UPPER CHAMBER OF THE 1949 CONSTITUTION. CHAIANAND, KUKRIT, AND PONGPEN HAVE ALSO BEEN QUOTED AS SAYING THAT THE NEW CONSTITUTION WILL SUPPORT GOVERNMENT DECENTRALIZATION.

4. THERE IS A DIVERSITY OF OPINION IN THAILAND AS TO THE PROPER MECHANISM FOR PROMULGATING THE NEW CONSTITUTION.

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SIRI SIRIYOTHIN, SPEAKER OF THE PRESENT NATIONAL
LEGISLATIVE ASSEMBLY (NLA), TOLD US NOVEMBER 14 THAT HE
EXPECTS THAT THE NLA WILL DELIBERATE ON THE DRAFT CON-
STITUTION. HE BELIEVES THAT THE NLA WILL ACCEPT THE
GENERAL PRINCIPLES IN THE DOCUMENT BUT MAY REPHRASE
CERTAIN POINTS (PARA 6 BANGKOK 17946). PRIME MINISTER
SANYA THAMMASAK PROBABLY WIL ALLOW THE NLA TO PASS
ON THE DRAFT CONSTITUTION BECAUSE HE HAS INDICATED THAT
HIS GOVERNMENT IS BOUND TO THE 1972 INTERIM CONSTITUTION.
THE PRIME MINISTER HAS ALREADY INVOKED ARTICLE 17 OF
THAT CONSTITUTION TO FREEZE THE ASSETS OF THE EXILED
LEADERS. ARTICLE 10 OF THE 1972 CONSTITUTION SAYS THAT
"THE COUNCIL OF MINISTERS SHALL PRESENT THE DRAFT CON-
STITUTION TO THE NATIONAL LEGISLATIVE ASSEMBLY." THE
CABINET, HOWEVER, MAY ALSO HAVE DECIDED TO SEEK A PUBLIC
REFERENDUM TO INCREASE THE NEW CONSTITUTION'S CHANCES
FOR SURVIVAL. NISSAI VEJJAJIVA, CABINET SPOKESMAN,
WAS QUOTED IN THE PRESS OCTOBER 28 AS SAYING THAT THE
CABINET PLANNED TO HAVE A NATIONWIDE REFERENDUM APPROVE
THE CONSTITUTION. A FEW MEMBERS OF THE CDC ARE KNOWN
TO FAVOR THE CONVOCATION OF A CONSTITUTIONAL CONVENTION
WHICH WOULD BE COMPOSED OF APPOINTED REPRESENTATIVES FROM VARIOUS
INTEREST GROUPS. AT THAILAND'S STAGE OF
POLITICAL UNDERDEVELOPMENT, HOWEVER, INTEREST GROUPS EITHER DON'T
EXIST IN SOME SECTORS, OR ARE NOT WELL ORGANIZED WHERE THEY DO.

5. GENERAL KRIT SIVARA REVEALED TO US AN EXTREMELY CONSERVATIVE
ATTITUDE TOWARD CONSTITUTIONAL GOVERNMENT NOVEMBER 16. KRIT
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SAID THAT HE FAVORED A UNICAMERAL LEGISLATURE WITH HALF OF THE
MEMBERS APPOINTED AND THE REST ELECTED. THE APPOINTED MEMBERS
WOULD PHASE OUT BY DRAWING LOTS OVER A TEN YEAR PERIOD UNTIL THE
ENTIRE BODY WAS ELECTED. HE MENTIONED THAT HE HAD PASSED HIS
IDEA TO THE CDC CHAIRMAN AND TO THE KING. WHILE KRIT'S
IDEAS TAKE INTO ACCOUNT THE ACTUALITIES OF THAI POLITICAL UNDER-
DEVELOPMENT, THE MODERATES AND LIBERALS WHO ARE WRITING THE
NEW CONSTITUTION MAY NOT SHARE THEM. KRIT ALSO DISCLOSED THAT HE
URGED RESTRICTIONS ON THE NUMBER OF PARTIES AND A MINIMAL MATHAYON
6 (U.S. TENTH GRADE) EDUCATION AS A PREREQUISITE TO RUN FOR THE
ASSEMBLY. KRIT AND OTHER MILITARY LEADERS WHO SHARE HIS VIEWS
MAY HAVE A RUDE AWAKENING AS THE NEW CONSTITUTION IS FLESHED OUT.
HOW THEY REACT TO THE IDEAS EMBODIED IN
THE DRAFT CONSTITUTION WILL PORTEND MUCH ABOUT THE FUTURE
OF THE FINISHED DOCUMENT.

6. SUMALEE VIRAVAIDYA'S NEWSPAPER ARTICLE IN THE NOVEMBER 11
"BANGKOK POST" TESTIFIES THAT THE CDC IS COMPOSED OF MODERATES.
IN THAT ARTICLE SHE OUTLINES HER FIGHT, AS THE SOLE WOMAN ON THE
CDC, FOR THE INCLUSION OF WORDING WHICH WOULD GIVE THAI WOMEN
EQUAL RIGHTS WITH MEN. TO HER CHAGRIN ONLY ONE OF THE SEVENTEEN
MEN ON THE CDC AGREED WITH HER. ALTHOUGH THAILAND HAS UNIVERSAL

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SUFFRAGE, AND AN EFFORT IS BEING MADE IN THE CDC TO INVOLVE THE NEW GOVERNMENT IN INCREASED SOCIAL WELFARE RESPONSIBILITIES, OVERWHILMING MAJORITY IN THE CDC INDICATE THAT THE GIRLS WILL HAVE TO WAIT. DESPITE THIS SETBACK, SUMALEE TOLD US NOVEMBER 20 THAT SHE SAW HER APPOINTMENT TO THE CDC AS AN EFFORT TO INTRODUCE HUMAN RIGHTS CONCEPTS INTO THE NEW CONSTITUTION.

7. COMMENT: IN ALL, THE NEW CONSTITUTION WILL BE A BASICALLY CONSERVATIVE DOCUMENT. ITS LIBERAL ATTRIBUTES WILL BE IN THE VEIN OF DEFINITIVE HUMAN RIGHTS AND AN ATTEMPT TO PUSH THE GOVERNMENT INTO MORE SOCIAL WELFARE. THE MOST CRITICAL SECTIONS WILL DEAL WITH THE QUALIFICATIONS AND POWERS OF THE BICAMERAL LEGISLATURE. THE CDC HAS YET TO MAKE PUBLIC ITS THINKING IN THESE AREAS.
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<< END OF DOCUMENT >>

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